

## **AMENDMENT TO AND RESTATEMENT OF SECTIONS OF THE CHEROKEE COUNTY SOLID WASTE ORDINANCE**

For the purpose of defining fees heretofore adopted by the Cherokee County Board of Commissioners, and for the purpose of clarifying the existing fee structure and amending Sections 400.14, 400.34, 400.38, and 700.06 of the Cherokee County Solid Waste Ordinance, the following amendments are enacted:

### **AN ORDINANCE PROVIDING FOR THE METHOD OF ASSESSMENT AND COLLECTION OF LANDFILL USE AND AVAILABILITY FEES IN THE COUNTY OF CHEROKEE, STATE OF NORTH CAROLINA**

#### **SECTION 650 - 1. Purpose**

In the public interest and for the promotion of the public health, safety, welfare and convenience of its citizens and pursuant to statutory authority contained in N.C.G.S. 130A-309.08(e) and N.C.G.S. 153A-277 and N.C.G.S. 153A-292 and N.C.G.S. 153A-293 and other applicable laws, the following rules are adopted, which rules set forth the amount of landfill use fees, the amounts of landfill availability fees, the manner of assessment thereof, and the manner of collection thereof, within the County of Cherokee; all of said fees being assessed and utilized for the purpose of recovering all or a part of the cost of disposal of solid waste in Cherokee County.

#### **SECTION 650.2. Establishment of Fees.**

There is hereby imposed a landfill use fee which shall not exceed the cost of operating landfill facilities in Cherokee County and a landfill availability fee which shall not exceed the cost of providing the landfill facilities, such fees to be used to recover all or a portion of the cost of locating, acquiring and preparing sites, and the cost of operating, maintaining, and closing of



sufficient facilities to provide for the solid waste sorting, reduction, and disposal in the County of Cherokee, State of North Carolina. These fees shall be imposed County wide, upon persons who use the landfill facilities and upon all improved residential property in Cherokee County, whether inside or outside incorporated areas within the County, which said fees shall be applied uniformly throughout the County.

#### **SECTION 650.3      Amount of Fees.**

The amount of the landfill use fee, and the amount of the landfill availability fee to be charged shall be established from time to time by the Cherokee County Board of Commissioners, in accordance with the provisions of N.C.G.S. 153A-277(a) and the provisions of N.C.G.S. 153A-292(b). The initial fees appear on the fee schedules attached to this Ordinance as Attachments 1 and 2. The fees so established may be amended from time to time by action of the Cherokee County Board of Commissioners, which changes shall be amendments to this Ordinance.

#### **SECTION 650.4      Use of Fees.**

The total revenue derived from the landfill use fees shall be utilized to defray the cost of operating the landfill facilities in Cherokee County. The total revenue derived from the landfill availability fees shall be utilized to defray the cost of providing the landfill facilities in Cherokee County, the cost of closing old solid waste disposal sites, the locating, acquiring and preparing of sites, and the cost of opening new solid waste disposal sites, and the maintenance of all solid waste disposal sites. A separate budget category shall be established to reflect the assessments, collections and disbursements of solid waste user and solid waste availability fees.



## **SECTION 650.5 Properties Upon Which Fees Shall Be Assessed.**

A. The landfill availability fee hereinbefore imposed shall be assessed, the amount set forth in the schedule hereto attached, upon the owners of the following properties:

(i) All residential dwellings units, including but not limited to houses, apartments, duplexes, townhouses, condominiums, camper and RV hook-up spaces, and mobile homes located within Cherokee County.

(ii) All improved property intended for residential use. For purposes of this ordinance, "improved" means when construction begins on a permanent structure, or hook-up facilities are made available for RVs, campers, camper trailers, or other movable residential structures. Exemptions will be given to owners of commercial property on which there are RV, camper, or camper trailer hook-up facilities if the owner or his agent transports solid waste generated on the property to the landfill and pays the use fee, or contracts with a private commercial hauler who transports the waste to the landfill and pays the use fee.

(iii) All other residential structures, including but not limited to mobile homes, travel trailers, campers, tents, and commercial buildings which include quarters intended for or in use as a residence.

B. The landfill use fee hereinabove imposed shall be assessed in the amounts set forth in the schedule hereto attached, upon all users transporting non-residential solid waste to the Cherokee County Solid Waste Landfill.

## **SECTION 650-6 Supplemental Assessments and Exemptions.**

The Cherokee County Board of Commissioners may from time to time establish supplemental landfill use fees on selected large industrial waste producers and on commercial solid waste haulers and on any properties, the use of which produce large amounts of solid waste.



**SECTION 650-7      Method of Billing and Collection of Solid Waste Fees.**

A.      The annual landfill availability fees hereinabove imposed shall be added, as a separate identified charge, on the ad valorem property tax statements produced with respect to those Cherokee County taxpayers who are owners of improved residential property as described in 650.5, so that they will be billed with the property taxes and shall be payable in the same manner as property taxes, and in the case of non-payment, may be collected in any manner by which delinquent personal or real property taxes can be collected. Such fee shall constitute a lien on the real property described on the bill that includes the fee and in the event of non-payment, there shall be included as an additional charge, interest, costs of collection including attorney fees and other costs as provided by N.C.G.S. 105-374. If the Cherokee County Tax Department is unable to issue and collect particular availability fees due to timing related to the generation of tax bills or other circumstances, said fees will be billed and collected by the Cherokee County Solid Waste Department.

B.      The amount of the landfill use (tipping) fees shall be determined at the landfill site, through a measurement system using the weight of solid waste being disposed of. The landfill use (tipping) fees so determined shall be collected at time of disposal from all non-commercial users. Commercial accounts with approved account numbers shall be invoiced monthly by the Cherokee County Finance Officer.

This Ordinance becomes effective January 1, 2002, with the fees set forth in the attachments hereto.



**AMENDMENTS TO  
THE CHEROKEE COUNTY SOLID WASTE ORDINANCE**

The following sections are hereby added, amended, and restated as follows:

400.14 - DWELLING shall mean any unit used for residential purposes on any property.

400.34 - RESIDENT shall mean any Cherokee County property owner who lives in or rents a dwelling within the County.

400.34(1) - RESIDENTIAL HOUSEHOLD WASTE shall mean waste generated inside the home, usually bagged or boxed, and eligible for free disposal at all solid waste disposal facilities.

400.34(2) - RESIDENTIAL NON-HOUSEHOLD WASTE shall mean waste generated in and around a residential unit that does not qualify as residential household waste, including but not limited to bulky items, carpet, furniture, mattresses, and construction debris.

400.38 - SOLID WASTE FEE shall mean any fees assessed by the Board in accordance with the Cherokee County Solid Waste Fee Ordinance.

700.06 - USE FEE. Individuals and businesses depositing waste at the Cherokee County Solid Waste Landfill are required to weigh in and out and pay Landfill Use Fees in accordance with the Cherokee County Solid Waste Fee Ordinance.

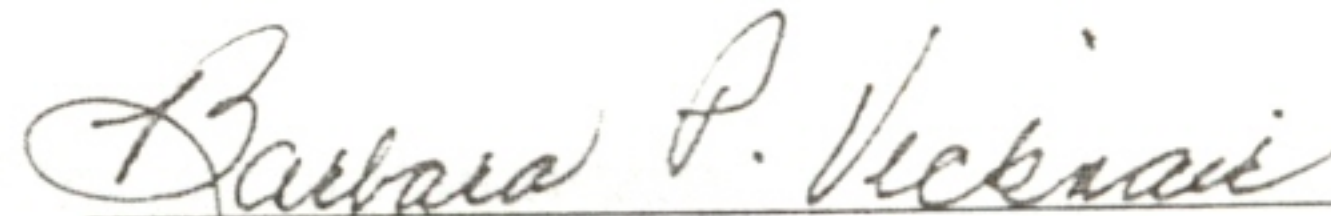


NORTH CAROLINA

CHEROKEE COUNTY

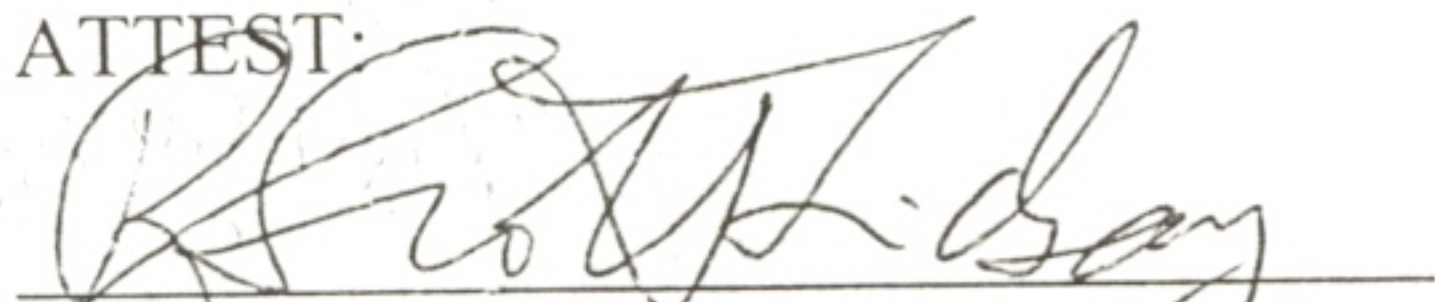
SOLID WASTE FEE ORDINANCE

Read, approved by majority vote and adopted, this 15<sup>th</sup> of October, 2001



Barbara P. Vicknair, Chairman  
Cherokee County Board of Commissioners

ATTEST:



R. Scott Lindsay, Clerk to the Board  
Cherokee County Board of Commissioners